

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00607-MOC  
(3:17-cr-00146-MOC-DSC-1)

RONTEENI PAK BELK, )  
Petitioner, )  
vs. ) **O R D E R**  
UNITED STATES OF AMERICA, )  
Respondent. )

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**THIS MATTER** is before the Court on periodic status review and Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. [Doc. 1].

Petitioner filed his Section 2255 Motion to Vacate on November 2, 2020. [Doc. 1]. On initial review under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, the Court found that the motion appeared untimely. On November 19, 2020, the Court, therefore, granted Petitioner twenty (20) days in which to provide an explanation as to why his Section 2255 petition should not be dismissed as untimely, including any reasons why equitable tolling should apply. See Hill v. Braxton, 277 F.3d 701, 706 (4th Cir. 2002); United States v. Blackstock, 513 F.3d 128, 133 (4th Cir. 2008) (remanding to district court pursuant to Hill for determination of timeliness of § 2255 Motion). Finally, the Court advised Petitioner that his failure to return the Section 2255 form, signed under penalty of perjury and explaining why his petition should not be dismissed as untimely, within twenty days of service of that Order, may result in dismissal of this action without prejudice. [Doc. 3]. On December 4, 2020, the Court granted Petitioner's motion for more time to reply to the Court's Order, making December 23, 2020 Petitioner's new deadline.

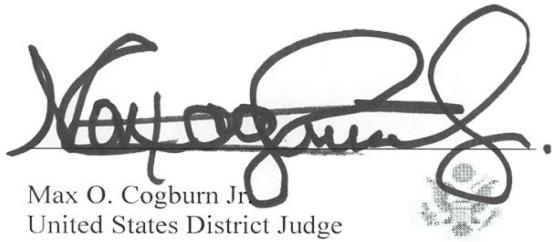
[12/4/2020 Docket Entry].

Petitioner has not responded to the Court's Order. It appearing that Petitioner's motion is untimely in any event, the Court will dismiss Petitioner's motion without prejudice.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [Doc. 1] is **DISMISSED** without prejudice.
2. The Clerk is instructed to terminate this action.

Signed: February 11, 2021



Max O. Cogburn Jr.  
United States District Judge